

## **REMARKS**

Reconsideration of the above-identified application in view of the preceding amendments and the following remarks is respectfully requested.

Claims 1-4, 6-23 and 25-50 are pending in this application. Claims 40-45 have been withdrawn from consideration as being directed to non-elected subject matter. Claims 5 and 24 have been cancelled without prejudice. By way of this amendment Claims 1, 20, 39, 46 and 48-50 have been amended to more particularly point out and define the subject matter regarded as inventive.

In particular, each of the independent claims have been amended to characterize or otherwise specify the type of mathematical treatment algorithm that defines, at least in part, the predetermined conditions for selective laser treatment of tissue, in accordance with the subject invention. No new matter has been added to the subject application by these amendments nor have any new issues been raised. Indeed, Claim 39, as originally presented explicitly defines a line detection algorithm for processing an image. Moreover, support for the amendments presented herein is found throughout the written description and the drawings of the subject application. As discussed in more detail below, it is respectfully submitted that all of the claims now pending in this application are patentable over the art of record and are therefore in condition for allowance.

Claim Rejections – 35 U.S.C. §103

Claims 1-4, 6-23, 25-39 and 46-50 were rejected under 35 U.S.C. §103(a) over U.S. Patent No 5,860,967 to Zavislan et al. in view of U.S. Patent No. 5,071,417 to Sinofsky.

Zavlasian et al. disclose a hand held microsurgical instrument for applying laser energy to a selected location in an area under the skin. The area is visualized through a video processing system while the laser beam is steered by a steering device 28. A controller and video processing unit designated by reference numeral 24 obtains signals from the beam steering device 28 and applies them to a beam deflection system utilizing mirrors and motors which step or steer the beam in X and Y directions. (See col. 4, lns. 32-34). The controller 24 functions to position the laser beam at a desired location, so that it can be focused to a depth that will avoid damage to the tissue above the treatment site.

Sinofsky discloses an apparatus for joining biological materials by laser fusion including a laser for delivering a beam of radiation to an anastomotic site, a reflectance sensor for measuring the intensity of infrared light reflected from the site while illuminating the site by a light source, a monitor connected to the reflectance sensor for monitoring changes in the intensity of infrared light reflected from the site, analyzing means connected to the monitor to determine the degree of crosslinking or coagulation of the biological materials based upon the monitored changes and for generating a signal representative of the degree of crosslinking to determine when an optimal state of fusion has occurred, and control means connected to the analyzing means and laser for controlling the output of the laser in response to the crosslinking signal.

In contrast, independent Claims 1, 20, 39, 46 and 48-50, as currently amended, define methods and apparatus for the selective laser treatment of a tissue surface area which involves, *inter alia*, determining a location and one or more characteristics for one or more subsurface targets based upon one or more reflections detected by a photo-sensor and predetermined conditions, wherein the predetermined conditions are defined at least in part by one of predetermined image analysis and one or more preprogrammed mathematical treatment algorithms that relate to features of an image, for example, geometric features or properties of an image, such as, algorithms relating to the differential geometric properties of an image, *e.g.*, a line detection algorithm or the like.

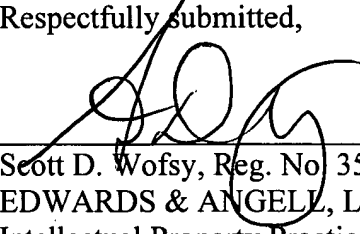
It is respectfully submitted that neither of the references cited by the Examiner in support of the rejection under 35 U.S.C. §103(a) disclose or suggest, either alone or in combination, in whole or in part, the subject matter defined by the amended claims of the subject application. In particular, neither Zavislan et al. nor Sinofsky, disclose or suggest, either a system or method of selective laser treatment of a tissue surface area which involves, *inter alia*, determining a location and one or more characteristics for one or more subsurface targets based upon one or more reflections detected by a multi-dimensional photo-sensor and predetermined conditions, which are defined by either predetermined image analysis or one or more mathematical treatment algorithms that relate to features of an image, for example, a line detection algorithm.

Therefore, it is submitted that Claims 1, 20, 39, 46 and 48-50, and each of the claims depending respectively therefrom are not rendered obvious by the combination of Zavislan et al. and Sinofsky. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) is respectfully requested.

It is respectfully submitted that each of the claims now pending in this application, namely Claims 1-4, 6-23 and 25-50, are directed to patentable subject matter, and allowance thereof is earnestly solicited.

Respectfully submitted,

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Scott D. Wofsy, Reg. No. 35,413  
EDWARDS & ANGELL, LLP  
Intellectual Property Practice Group  
P.O. Box 55874  
Boston, MA 02205  
(203) 353-6831